

REMARKS

The drawings stand rejected to as failing to comply with 37 CFR 1.84(p)(4) because referenced character “40” has been used to designated both outer circumferential surface and outer diameter. Applicant finds that the left-most occurrence of the reference number 40 in Figure 3 and the occurrence of reference number 16 in Figure 3 are in error. Accordingly, the second sheet of drawings (from the original set of five sheets) has been amended and is submitted herewith as an “Annotated Sheet” showing the changes made in red and as a “Replacement Sheet” with these changes already made. It should be noted that these changes are being made consistent with Figure 5, which shows the ring 28 with the ends 62 forming a gap 60. Similarly, the specification has been amended, as set out above, to more artfully refer to the “outer surface 40.” Applicant asserts that no new matter has been entered by way of these amendments. Reconsideration is requested.

Claims 1 – 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Abbema et al. (U.S. Patent 5,566,984) in view of Kuroki et al. (U.S. Patent 4,795,078).

Abbema et al. disclose a method and apparatus for joining internally coated pipe (Abbema, Figures 1-4), a method and apparatus for joining cement lined pipe (Abbema, Figure 5), and a method and apparatus for joining internally sleeved pipe (Abbema, Figures 6 and 7). While each of these embodiments utilizes a sleeve, the sleeve is configured differently for each of these embodiments.

Kuroki et al. disclose a method for producing a clad steel pipe from a plurality of base pipes that are mechanically fixed and metallurgically joined over the whole interface between the pipes by diffusion welding before the plural base pipes are elongated to produce an elongated clad steel pipe. (Kuroki, Abstract; and col. 2, lines 33-52; col. 5, lines 34-37).

It has been stated many times that references must be taken in their entirety, including those portions which argue against obviousness. *Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc.*, 230 U.S.P.Q. 416, 420 (Fed. Cir. 1986). It is impermissible within the framework of 35 U.S.C. Section 103 to pick and choose from a reference only so much of it as will support a conclusion of obviousness to the exclusion of other parts necessary to a full appreciation of what the reference fairly suggests to one skilled in the art. *Id.* at 419. The disclosure of Abbema et al. taken in its entirety, does not support the asserted obviousness of the claimed invention and would in fact lead one of ordinary skill away from using the claimed invention. Specifically, Abbema et al. teaches that internally sleeved or lined pipe should be coupled in accordance with Figures 5, 6 or 7.

The examiner characterizes Abbema in reference to elements of Figures 1 and 3. However, Figures 1 and 3 describe the first of three embodiments of Abbema and relate to a method and apparatus for protecting a pipe having a thin protective internal coating (Abbema, col. 5, lines 25-32) that can be destroyed during welding of the pipe. (Abbema, col. 5, lines 51-61). The invention of the present claims is directed to a conduit assembly that includes an outer pipe formed of a commonly weldable material and an inner tube made of a material having desirable properties. (See Claim 1). This inner tube is not a thin protective coating that can be applied to the inner surface or diameter of the pipe as in the first embodiment described by Abbema. (Abbema, col. 5, lines 28-32). There is no evidence that the inner tube of claim 1 would be damaged by welding the ends of the pair of weldable conduits together. Accordingly, Abbema does not provide any motivation for using his first embodiment with the present conduit assembly or with the clad steel pipe disclosed by Kuroki.

Rather, Abbema specifically teaches away from the invention of claim 1 by setting out second and third embodiments that teach a method and apparatus for coupling pipes having an inner lining or tubing. According to Abbema, the lining or tubing should be set back or cut back a specific distance from the ends of the pipe segments. (Abbema, col. 8, lines 48-52; col. 10,

lines 48-65). In the second embodiment, the sleeve abuts the thick lining. (Abbema, Figure 5). In the third embodiment, the protective sleeve 200 includes recesses 222, 224 sized to receive the tubular barrier 208 and provide a gap 225 that allows for thermal expansion of the tubular barrier. (Abbema, col. 10, lines 37-40 and 62). In both instances, Abbema specifically teaches that a lining or tubing should be set back or cut back a specific distance from the ends of the pipe segments to facilitate a protective sleeve. There is no teaching in Abbema that would suggest the invention of the present claims.

Furthermore, Kuroki teaches that a clad steel pipe may be formed by affixing three base pipes in an electron beam welding apparatus B (Kuroki, col. 2, lines 31-42; Figure 3), metallurgically bonding the entirety of the interfaces between the three base pipes (Kuroki, col. 2, lines 42-49; Figure 4), and extruding the three-layer pipe using a die and mandrel (Kuroki, col. 2, lines 49-52; Figure 5). This is a different method and produces a different conduit than what is claimed. Furthermore, the conduit taught by Kuroki is inconsistent with the teaching of Abbema and, therefore, there is no motivation to combine the references. If the references were combined anyway, it would seem that Abbema would attempt to cut back the inner of the base pipes. Given the fully welded interfaces between the base pipes of Kuroki, this effort would seem to be rather difficult. Because of the incompatibility of these references, one having ordinary skill in the art would not be led to combine the references to arrive at the invention of the present claims.

Claim 1 sets out that the coupling includes “a ring formed of the same material as the tubes of the conduit.” The specification teaches that “the use of common materials (e.g., stainless steel) for the ring 28 and the tubes 12b, 14b results in the entire conduit assembly fluid pathway having common corrosion and erosion-resistant characteristics.” (Specification, page 12, lines 3-5). “This improves the ability of the conduit assembly to withstand the failure of one or both o-rings 50, 52, since the welded fusion of the tubes 12b, 14b to the ring 28 makes it impossible for the transported fluid to contact any surface other than the surfaces of these members – which employ material(s) specifically selected for corrosion and erosion resistance.” (Specification, page 12, lines 5-9). This limitation and its advantages are not taught by the cited

references. Reconsideration and withdrawal of the rejection is requested.

Because claims 2-13 depend from claim 1, all of the claims are believed to be allowable for at least the same reasons as claim 1. Reconsideration and withdrawal of the rejection is requested.

New claims 23 and 24 have been submitted for consideration. Specification support for these claims is found in the specification at page 16, lines 21-22; page 12, lines 3-9; and original claim 1.

In the event there are additional charges in connection with the filing of this Response, the Commissioner is hereby authorized to charge the Deposit Account No. 50-0714/CCBI-0010.A of the firm of the below-signed attorney in the amount of any necessary fee.

Respectfully submitted,

/Jeffrey L. Streets, #37,453/

Jeffrey L. Streets
Attorney for Applicant
Registration No. 37,453
STREETS & STEELE
13831 Northwest Freeway, Suite 355
Houston, Texas 77040
(713) 939-9444

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